

REMARKS

Claims 21-30 and 32-38 were pending in the present application. Claims 21, 22, 25, 29, 30 and 32 are amended herein. Accordingly, claims 21-30 and 32-28 are currently pending. No new matter has been added. Applicant respectfully request reconsideration of the claims in view of the following remarks.

- (1) Applicant thanks the Examiner for the interview conducted on February 16, 2010, and appreciates the time taken by the Examiner to discuss the application. The Examiner stated that the Examiner would provide a written summary of the substance of the interview.
- (2) The final Office Action dated November 4, 2009 rejected claims 29 and 31 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action stated that there is no mention of a single layer of homogeneous material in the original application.

Applicant has amended independent claims 21, 29 and 32 to change the phrase “a single layer of homogenous material [containing/comprising] silicon, oxygen and nitrogen” to “a layer including a compound comprising silicon, oxygen and nitrogen.” Basis for this amendment may be found, for example, in paragraph [0020] of the US 2008/0308898A1 publication of the present application. Accordingly, Applicant respectfully submits that the claims meet the requirements of U.S.C. § 112, and Applicant requests withdrawal of this rejection.

(3) The Office Action rejected claims 21 and 23-28 under 35 U.S.C. § 102(b) as being anticipated by Schindler et al., WO Patent Publication No. 03/019649 (“Schindler”). Applicant respectfully traverses this rejection.

Claim 21 recites “a layer including a compound comprising silicon, oxygen and nitrogen overlying the two electrically conductive structures.” Schindler does not teach or suggest a layer comprising such a compound. Rather, Schindler teaches individual layers of SiN sandwiched between individual layers of silicon dioxide. *See, e.g.*, Schindler, Figure 12 (showing distinct layers 1202, 1204, and 1206 of SiN between distinct layers 1203, 1205, and 1207 of silicon dioxide). Hence, Applicant respectfully submits that independent claim 21 is allowable.

Claims 22-28 depend from claim 21 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

(4) The Office Action rejected claims 29 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Schindler in view of Vogt, et al. (WO 2003/102264, hereinafter “Vogt”). Applicant respectfully traverses this rejection.

Claim 29 recites “a layer including a compound comprising silicon, oxygen and nitrogen over a substrate that has a plurality of electrically conductive structures and/or over a part of a surface of the electrically conductive structures.” Similar to the discussion above with respect to claim 21, Schindler does not teach or suggest this limitation. Vogt also does not teach or suggest this limitation. Accordingly, Applicant respectfully submits that independent claim 29 is allowable.

Claim 30 depends from claim 29 and adds further limitations. Applicant notes that claim 30 was deemed allowable in the final Office Action.

(5) Independent claim 32 recites “a layer including a compound comprising silicon, oxygen and nitrogen overlying the two electrically conductive structures, wherein the layer including a compound comprising silicon, oxygen and nitrogen comprises $\text{Si}_{1.00}\text{O}_{1.90}\text{H}_{0.27}\text{C}_{0.045}\text{N}_{0.06}$, wherein each of the index numbers (1.00, 1.90, 0.27, 0.045, 0.06) is variable by 20% upwards or downwards.” Applicant notes that independent claim 32 is based on claim 22, which was deemed allowable in the final Office Action. Accordingly, Applicant respectfully submits that claim 32 and its dependent claims 33-38 are in condition for allowance.

In view of the above, Applicant submits that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicant's Attorney, Brian A. Carlson, at 972-732-1001. The Commissioner is hereby authorized to charge any fees due in connection with this filing, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

February 24, 2010
Date

SLATER & MATSIL, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, Texas 75252
Tel.: 972-732-1001
Fax: 972-732-9218

/Brian A. Carlson/
Brian A. Carlson
Attorney for Applicant
Reg. No. 37,793